

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANTHONY F., by and through his next
friends, EDWARD F. and LISA F.,
LINDA S. AND DEANE S.,

Plaintiffs,

v.

SCHOOL COMMITTEE of the CITY of
MEDFORD,

Defendant.

C.A. No. 04-10610-RWZ

MOTION TO AMEND ORDER
TO ALLOW APPLICATION FOR IMMEDIATE APPEAL

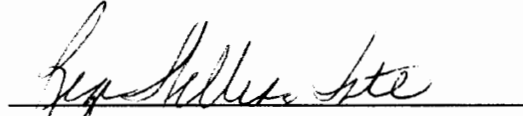
Pursuant to 29 U.S.C. §1292(b), the School Committee of the City of Medford, the defendant in the above-captioned case, hereby moves the Court to amend that portion of the Memorandum of Decision dated April 22, 2005, which denies Medford's motion to dismiss the plaintiff's claim for fees related to the 2001-2002 IEP to state that the decision involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal may materially advance the ultimate termination of the litigation so that Medford can apply to the Court of Appeals to permit an appeal from the order on the grounds that the issue of the appropriate statute of limitations has not yet been decided by the First Circuit, that other Circuits have disagreed as to the appropriate statute of limitations to

apply, and that an immediate appeal will materially advance the termination of this litigation since Medford intends to appeal the decision and if successful, will eliminate the need to assess fees. The sooner the issue is decided, the sooner the case will terminate.

This motion is based upon the pleadings and papers on file herein and is supported by the memorandum of law filed herewith.

DATED at Quincy, Massachusetts this 31st day of May, 2005.

SCHOOL COMMITTEE of the CITY OF MEDFORD,
By its attorneys,



Regina Williams Tate

BBO # 492780

Doris R. MacKenzie Ehrens

BBO #544252

Mary L. Gallant

BBO # 554721

MURPHY, HESSE, TOOMEY & LEHANE, LLP

300 Crown Colony Drive, Suite 410

Quincy, MA 02269-9126

(617) 479-5000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have on this 31st day of May, 2005, caused a copy of the foregoing to be served upon counsel for the plaintiffs, John L. Geary, Geary & Associates, at 161 Summer Street, Kingston, MA 02364, via first class mail, postage prepaid.



Doris R. MacKenzie Ehrens